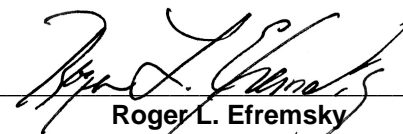




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The following constitutes  
the order of the court. Signed December 17, 2009

  
Roger L. Efremsky  
U.S. Bankruptcy Judge

Attorneys for Debtors

**UNITED STATES BANKRUPTCY COURT**  
**NORTHERN DISTRICT OF CALIFORNIA, DIVISION 5**

In re

GEORGE EARL WEISEL, dba ONE  
CALL PROPERTY SERVICE and  
ANGELINA CECILIA WEISEL,

Debtors.

Case No. 09-56955-RLE

Chapter 13

Date: December 10, 2009

Time: 2:00 p.m.

Room: 3099

**ORDER AVOIDING LIEN OF CITIMORTGAGE, INC.**  
540 Mac Arthur Avenue, San Jose , California 95128)

On December 10, 2009, the court held a hearing on Debtors' motion to value the lien of Citimortgage, Inc., and Mortgage Electronic Registration Systems, Inc., its assignee, (hereinafter collectively referred to as "Lienholder") against the property commonly known as 540 Mac Arthur Avenue, San Jose, California 95128, A.P.N. 277-31-043 and more fully described in Exhibit A hereto, which lien was recorded in Santa Clara County on or about July 9, 2007 as document no: 19499369 (hereinafter the "Lien").

The Court finds that notice of the motion upon Lienholder was proper. Upon due consideration, and for the reasons stated on the record at the hearing, the court hereby orders as follows:

1           (1) For purposes of Debtors' Chapter 13 plan only, the Lien is valued  
2 at zero, Citimortgage, Inc. does not have a secured claim, and the Lien may not be  
3 enforced, pursuant to 11 U.S.C. Sections 506, 1322(b)(2), and 1327.

4           (2) This order shall become part of Debtors' confirmed Chapter 13  
5 plan.

6           (3) Upon plan completion in Debtors' Chapter 13 case, the Lien  
7 shall be voided for all purposes, and upon application by Debtors, the Court will enter  
8 an appropriate form of judgment voiding the Lien.

9           (4) If Debtors' Chapter 13 case is dismissed or converted to one under  
10 another chapter before Debtors obtain a discharge, this order shall cease to be effective  
11 and the Lien shall be retained to the extent recognized by applicable non bankruptcy law,  
12 and upon application by the Lienholder, the Court will enter an appropriate form or order  
13 restoring the Lien.

14           (5) Except as provided by separate, subsequent order of this Court,  
15 the Lien may not be enforced so long as this order remains in effect.

16                               \*\*\*\*END OF ORDER\*\*\*\*

1  
2  
3 COURT SERVICE LIST

4 Attorney for Debtors

5 Michael W. Malter, Esq.  
6 BINDER & MALTER, LLP  
7 2775 Park Avenue  
8 Santa Clara, CA 95050

9 Debtor

10 George and Angelina Weisel  
11 540 Mac Arthur Avenue  
12 San Jose, CA 95128

13 Chapter 13 Trustee

14 Devin Derham-Burk  
15 Chapter 13 Trustee  
16 P. O. Box 50013  
17 San Jose, CA 95150

18 Secured Creditors:

19 Citibank, N.A.  
20 Attn: President & Chief Executive  
21 Officer  
22 3900 Paradise Road, Suite 127  
23 Las Vegas, NV 89109

CitiMortgage, Inc.  
c/o CT Corporation System  
(Agent for Service of Process)  
818 West Seventh St.  
Los Angeles, CA 90017

24 CitiMortgage, Inc.  
25 (Agent for Service of Process for  
26 Specialized Loan Servicing, LLC)  
27 P. O. Box 30509  
28 Tampa, FL 33631

Mortgage Electronic Registration Systems, Inc.  
Attn: President & Chief Executive Officer  
P. O. Box 2026  
Flint, MI 48501-2026

29 Mortgage Electronic Registration  
30 Systems, Inc.  
31 c/o Agent for Service of Process  
32 John Brosnan  
33 3321 Vincent Road  
34 Pleasant Hill, CA 94523

**EXHIBIT "A"**

**LEGAL DESCRIPTION:**

The land referred to herein is situated in the State of California, County of Santa Clara, in an Unincorporated Area, and is described as follows:

Lot 330, as laid down, designated and delineated upon that certain Map entitled, "Tract No. 228 Bradley Manor-Unit No. 3, a portion of the Los Coches Rancho in Santa Clara County, California", which Map was filed for record in the Office of the Recorder of the County of Santa Clara, State of California, on April 23, 1945 in Book 7 of Maps, at pages 52 and 53.

Tax ID: 277-31-043